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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
028,813	04/10/79	Albert A. Carr	M-956

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EXAMINER	
NSMilestone	
ART UNIT	PAPER NUMBER
121	6

DATE MAILED: MAILED

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

JAN 14 1980

GROUP 120

[X] This application has been examined. [X] Responsive to communication filed on Nov. 8, 1979 [ ] This action is made final.

A shortened statutory period for response to this action is set to expire three month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. [X] Notice of References Cited, Form PTO-892.
2. [ ] Notice of Informal Patent Drawing, PTO-948.
3. [ ] Notice of Informal Patent Application, Form PTO-152.
4. [ ] _____

Part II SUMMARY OF ACTION

1. [X] Claims 1-16 are pending in the application.
   Of the above, claims 9, 12 and 16 are withdrawn from consideration.
2. [ ] Claims _____ have been cancelled.
3. [ ] Claims _____ are allowed.
4. [X] Claims 1-5, 14 and 15 are rejected.
5. [X] Claims 6-8, 10, 11 and 13 are objected to. as dependent from rejected claims.
6. [ ] Claims _____ are subject to restriction or election requirement.
7. [ ] The formal drawings filed on _____ are acceptable.
8. [ ] The drawing correction request filed on _____ has been [ ] approved. [ ] disapproved.
9. [ ] Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has
   [ ] been received. [ ] not been received. [ ] been filed in parent application, serial no. _____, filed on _____.
10. [ ] Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
11. [ ] Other

PTOL-326 (rev. 7-79)

EXAMINER'S ACTION

PTO-1142 (10-78)

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

SERIAL NUMBER 28,813 | GROUP ART UNIT 121

PART III

NOTIFICATION OF REJECTION(S) AND/OR OBJECTION(S) (35 USC 132)

	CLAIMS (1)	REASONS FOR REJECTION (2)	REFERENCES * (3)	INFORMATION IDENTIFICATION AND COMMENTS (4)
1	14	35USC112	-	The claim fails to specify the specific pharmaceutical use and that ~~the [redacted]~~ the compound is present in effective amounts.
2	1&2 4&3	35USC112 Son	- 2 & 4 cancel	In view of the nature of the instant disclosure no proper distinction is seen in scope between claims 1 and 2 or between claims 3 and 4 based upon the additional recitation in claims 2 and 4 of "essentially pure".
3	1-5 14,15	-	-	The claims are improper Markush claims in view of the improper grouping of the members defining R_3. Restriction of R to -COOH and -COOalkyl would overcome the rejection.
4				

5 The restriction requirement has been modified to the extent as set forth by applicants in Paper No. 5, namely those compounds wherein R_3 is COOH or COOalkyl and additionally wherein R1 and R_2 taken together form a second bond will be examined together.

* Capital letters representing references are identified on accompanying Form PTO-892
The symbol "v" between letters represents - in view of -.
The symbol "+" or "&" between letters represents - and -.
A slash "/" between letters represents the alternative - or -.

NOTE: Sections 100, 101, 102, 103, and 112 of the Patent Statute (Title 35 of the United States Code) are reproduced on the back of this sheet.

EXAMINER NSMilestone | TEL. NO. (703) — 557 2517

Norma S. Milestone
NORMA S. MILESTONE
EXAMINER
GROUP ART UNIT 121

35 U.S.C. 100. Definitions. When used in this title unless the context otherwise indicates —

(a) The term "invention" means invention or discovery.

(b) The term "process" means process, art or method, and includes a new use of a known process, machine, manufacture, composition of matter, or material.

(c) The terms "United States" and "this country" mean the United States of America, its territories and possessions.

(d) The word "patentee" includes not only the patentee to whom the patent was issued but also the successors in title to the patentee.

35 U.S.C. 101. Inventions patentable. Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

35 U.S.C. 102. Conditions for patentability; novelty and loss of right to patent. A person shall be entitled to a patent unless —

(a) the invention was known or used by others in this country, or patented or described in a printed publication is this or a foreign country, before the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

(c) he has abandoned the invention, or

(d) the invention was first patented or cause to be patented by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application filed more than twelve months before the filing of the application in the United States, or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

35 U.S.C. 103. Conditions for patentability; non-obvious subject matter. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

35 U.S.C. 112. Specification. The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. A claim may be written in independent or dependent form, and if in dependent form, it shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim.

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.